

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT APPEAL NO : 1185 of 2004

And

WRIT PETITION No.12536 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20-07-2004 in W.P.M.P.NO:15956 of 2004 in W.P.No.12536 of 2004 on the file of the High Court.)

W.A.NO.1185 of 2004

Between:

B. Srikanth Reddy, S/o. Chandra Bhaskar Reddy being a minor,
Rep by father B. Chandra Bhaskar Reddy, S/o. Subba Reddy, aged 44 years
Occ. P.E.T. R/o. 5-9-432, Gunfoundry Hyderabad.

..... APPELLANT

AND

- 1 The Central Board of Secondary Education (AIEE Unit) rep by its Secretary, 17 Rouse Avenue,
Institutional Area, New Delhi.
- 2 The Chairman, the Central Counselling Board (AIEE 2004) Principal & Dean
Delhi College of
Engineering Delhi University, New Delhi.
- 3 The Convenor, the National Institute of Technology, Warangal.

.....RESPONDENT(S)

Counsel for the Appellant:MR.J.RAMACHANDRA RAO

Counsel for Respondents 1 and 2:A.CHAYA DEVI

Counsel for the Respondent No.3: MR.NUTY RAM MOHAN RAO

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W.P.No. 12536 of 2004

Between:

B.Srikanth Reddy S/o Chandra Bhaskar Reddy
being a minor rep. by father B.Chandra Bhaskar Reddy S/o Subba Reddy Aged
44 years
Occ: P.E.T. R/o 5-9-432, Gunfoundry Hyderabad

..... PETITIONER

AND

- 1 The Central Board of Secondary Education (AIEE Unit) rep. by its Secretary, 17
Rouse Avenue,
Institutional Area, New Delhi
- 2 The Chairman, the Central Counselling Board(AIEE-2004) Principal & Dean
Delhi College of Engineering
Delhi University, New Delhi
- 3 The Convenor, the National Institute of Technology, Warangal

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus the action of the respondents in not reserving and not providing seats under Sports Category for the admissions to All India Engineering/ Pharmacy/Architecture Courses (AIEEE) in pursuance of the all India Engineering/Pharmacy/Architecture Entrance Examination (AIEEE-2004) as arbitrary, illegal and violative of Article 14 of the Constitution of India and consequently direct the respondents to allot seats for the Sports Category for the admission to All India Engineering/Pharmacy/Architecture Courses offered Under AIEEE-2004.

Counsel for the Petitioner:MR.J.RAMACHANDRA RAO

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

The Court made the following :

JUDGEMNT: (per BRSR,J)

This writ appeal is directed against the interlocutory order, dated 20-07-2004, in W.P.M.P.No.15956 of 2004 in W.P.No.12536 of 2004, passed by the learned Single Judge of this Court, whereunder the learned Single Judge dismissed the interlocutory application filed by the appellant-petitioner.

The appellant herein filed the writ petition challenging the action of the respondents, more particularly respondent No.3, in not fixing the percentage of seats for admission into All India Engineering/Pharmacy/Architecture Courses (AIEEE-2004) under sports quota for the academic year 2004-2005 in accordance with sub-category-23 Code No.6, as illegal and arbitrary.

The petitioner appeared at the common entrance examination held on All India basis for admission to Engineering, Pharmacy, Architecture and Planning courses. The examination was held on 19-05-2002. The petitioner claims admission and for allotment of seat in the category of seats mentioned for sports quota.

The only question that arises for consideration is whether there is any sports quota, as such, available in the third respondent-National Institute of Technology, Warangal.

This Court by its order, dated 05-08-2004, required the respondents herein to state as to whether there is any procedure prescribed in the relevant policy for offering seats in the Institution of the choice of the respondents or appellant on his own for

seeking admission on the basis of the common entrance test in the institution of his choice where sports quota is available.

In response thereto, the Central Counselling Board as well as the National Institute of Technology, Warangal, placed the relevant information before us, including the Brochure issued by the 2nd respondent. It is clearly evident from the brochure itself that there are no sports quota seats in any one of the institutions of National Institutes of Technology under the Central Counselling Board. Reservations, no doubt, are provided in favour of Schedule Castes, Schedule Tribes and Physically handicapped categories. There is no reservation, as such, provided in favour of any other category of candidates including the sports men.

In such view of the matter, the question of allotment of a seat in favour of the appellant under the sports quota does not arise. That not only in the third respondent-National Institute of Technology, Warangal, but also in no other National Institute of Technology such reservations are provided.

In view of the above, no mandamus as prayed for by the petitioner can be issued by this Court. In the absence of availability of any quota meant for the sports men, no direction can be issued by this Court compelling the respondents to provide seat to the appellant herein under the sports quota.

For the aforesaid reasons, we find no merit in this appeal and as well as in the writ petition. The writ appeal and writ petition shall accordingly stand dismissed. No costs.

(B.SUDERSHAN REDDY,J)

DATED:10-09-2004

(K.C.BHANU,J)

gj/ks

To

- 1 The Secretary, Central Board of Secondary Education (AIEE Unit) 17 Rouse Avenue, Institutional Area, New Delhi.
- 2 The Chairman, the Central Counselling Board(AIEE-2004) Principal & Dean, Delhi College of Engineering Delhi University, New Delhi.
- 3 The Convenor, the National Institute of Technology, Warangal.
- 4 Two C.D. Copies.